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Kuwait

COUNTRY FAIRS REPORT

FAIRS Country Report

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Report Highlights:

Sections Updated: Food Laws, Labeling Requirements, Other Regulations and Requirements, Import Procedures, Government Regulatory Agency Contacts

Section I. Food Laws:

Disclaimer: This report was prepared by the Office of Agricultural Trade of the USDA/Foreign Agricultural Service in Dubai, UAE for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation or clear and consistent information was not available. It is highly recommended that U.S. exporters verify all import requirements with local authorities through their importers, before sales conditions are finalized and goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.

GCC-Wide Developments

The State of Kuwait is a member of the Gulf Cooperation Council (GCC) that also includes Bahrain, Kuwait, Oman, Qatar and Saudi Arabia. ATO Dubai covers Bahrain, Kuwait, Oman, Qatar and the United Arab Emirates (U.A.E.), known as the GCC-5.

Food Standards: The Gulf Standards Organization (GSO) is comprised of senior standards officials from the six GCC member countries and is responsible for developing food and other standards in the GCC. The GSO food standards committee has been actively updating food standards over the past few years. Based on the WTO notifications that have been reviewed thus far, the committee is working to harmonize existing standards with the guidelines of the Codex Alimentarius and other international organizations. However, in some cases, differences still exist between some of the proposed new standards and existing international guidelines.

In theory, each GCC member should notify the WTO of a proposed new standard. However, typically one or two member countries submit the notification. Consequently, interested parties who review these notifications should bear in mind that, while a notification may be submitted by a single GCC member, the proposed standard will eventually apply to all GCC member countries. Once a new standard is approved by the GSO food standards committee, each member country should officially adopt the standard, thus making it a domestic standard as well as a GSO standard.

In June 2007, GSO members approved two new standards for food shelf life and labeling standards. They replaced old versions that were disputed among GCC member countries as well as other foreign countries. The new standards bring the GCC into closer compliance with the guidelines of Codex Alimentarius and, for the most part, offer more flexible requirements for importing foods from foreign markets. GCC-5 countries except Bahrain, have officially adopted these new standards as domestic standards. Bahrain is applying the standards on a provisional basis pending official approval.

The GSO has created subcommittees to follow-up on other issues related to food.

1. Bio-technology subcommittee that is chaired and hosted by the UAE
2. Labeling subcommittee that is chaired and hosted by Oman.
3. Additives subcommittee that is chaired and hosted by Saudi Arabia

The GSO also, when the need arises, forms working groups to address specific issues. A working group has developed two draft Halal standards. The first standard outlines general Halal requirements and was notified to the WTO by Bahrain. The second standard outlines requirements for approving foreign centers, certifications and Halal labeling.

The GCC countries are currently working to update their food additive regulations. This new project will consolidate all Codex standards addressing all types of food additives (colors, sweeteners, emulsifiers, etc.) into one GSO standard. This project is expected to be complete within a year.

Customs and Tariffs: In January 2003, the "GCC Unified Customs Law and Single Customs Tariff" (UCL) was released. The UCL established a unified customs tariff of five percent on nearly all processed food products. Under the UCL, live animals, fresh fruits and vegetables, some seafood, grains, flour, tea, sugar, spices and seeds for planting are exempt from tariffs. It

also established a single entry point policy. In other words, a product entering any GCC member market would pay the appropriate duty only at point of entry and would then be permitted duty free transit among GCC member countries. In practice, this policy is employed only with unopened containers transshipped between GCC markets. Partial shipments tend to be subject to the five percent import duty again in the country of destination. However, it is expected that all goods, even partial shipments from opened containers, will eventually receive single-entry treatment once customs procedures are fully unified within the next few years.

Food Import Procedures: During 2007, the GCC Food Safety Committee developed a "Guide for Food Import Procedures for the GCC Countries." This guide is meant to unify the applied procedures for clearing food consignments as well as unifying the required import certificates for different types of foods. The intent is to help facilitate the movement of food products within the GCC once customs unification is fully implemented. GCC member countries have decided to postpone the application of the guide to ensure that it complies with the guidelines of international organizations such as Codex Alimentarius, World Animal Health Organization and International Plant Protection Consortium.

Kuwait Developments

Kuwait adopted the revised GSO standards for labeling GSO 9/2007 and shelf life GSO 150/2007 in October 2008.

The Department of Standards and Metrology, Public Authority for Industry (PAI), in cooperation with other concerned departments, including the Kuwait Municipality (KUM), the Ministry of Public Health (MOPH), the Ministry of Commerce and Industry (MOCI), the Public Authority for Agricultural Affairs and Fish Resources (PAAFR), The Consumer Protection of the Ministry of Commerce, Customs and the Kuwait Institute for Scientific Research (KISR), form the "National Food Safety Committee" which is responsible for establishing local food safety regulations which become enforceable only after they are officially announced in a ministerial decree and published in the official gazette of Kuwait. Usually, a grace period of up to six months is granted prior to enforcement of any new regulations.

The Food Safety Committee, which includes representatives of all the above agencies, may recommend a temporary ban on imports of food products from certain countries when a food health hazard is identified.

Regulatory enforcement is divided between the KUM, MOPH and PAAFR. The Imported Food Department, KUM, holds responsibility for initial inspection of imported food products, including verification of compliance with label requirements and collection of samples for laboratory analysis by the MOPH. In general, new-to-market products and products that have failed previous inspection are subject to thorough inspection. Laboratory tests typically take 1-4 weeks depending on the type of required tests, which, at times, can limit the available shelf life for perishable products once cleared.

Compliance disputes are handled by the Food Committee which is comprised of representatives from the KUM, MOPH, PAI, PAAFR, KISR and the Kuwait Chamber of Commerce and Industry. The committee determines the validity of a complaint and can order re-inspection if found to be warranted. Trade contacts report that consignments with minor labeling infractions may be granted a one-time waiver provided the products are found to be completely safe for human consumption.

Section II. Labeling Requirements:

Food labels must include the following information, in Arabic, on the original label or primary

packaging:

- Product and brand name
- Country of origin
- Ingredients, in descending order of proportion
- Additives, if any
- Origin of animal fat (e.g., beef fat), if applicable 1/
- Net content in metric units (volume in case of liquids)
- Production and expiry dates
- The name and address of the manufacturer, producer, distributor, importer, exporter or vendor shall be declared on the label
- Special storage, transportation and preparation instructions, if any.

1/ Animal fat should be sourced only from Halal slaughtered animals. Pork products and ingredients are banned in Kuwait.

Bilingual labels are permitted, provided one of the languages is Arabic (e.g. Arabic/English). Arabic language stickers are permitted in lieu of original Arabic or bilingual labels, provided the sticker: 1) Is extremely difficult to remove; 2) Includes all required label information; 3) Does not cover required information on the original label; and 4) Does not contradict information on the original label.

Production and expiry (P/E) dates must be engraved, embossed, printed or stamped directly onto the original label or primary packaging at the time of production, using indelible ink. These dates may be printed in English only, Arabic only or English/Arabic. These dates may not be printed on a sticker. U.S. bar coding is not permitted in lieu of P/E dates and a label may not contain more than one set of P/E dates. The dates must be printed in digit form (no text is permitted) in the following order, depending on the shelf-life of the product:

- Day/month/year for products with a shelf-life of 6 months or less
- Month/year for products with a shelf-life longer than 6 months

Kuwait has also issued an explanatory local order asking exporters to refrain from printing the date of production and expiration as the same dates a year apart. (i.e. production is Jan 10, 2008 and expiry is Jan 10, 2009). KUM stated that printing dates in such fashion means that the shelf life exceeds a single year. In this case dates should show (P July 10, 2008 and E is July 9, 2009)

Kuwait officials are willing to work with companies to ensure that food and agricultural imports are not unduly disrupted. For example, Kuwait offers a pre-approval program for food labels. Pre-export approval can significantly speed import clearance, particularly for new-to-market products and brands. To facilitate entry, suppliers are strongly encouraged to work closely with their local importers to obtain pre-export approval for labels, particularly for new-to-market products, and to ensure that their products meet all local import regulations.

All special food products, such as diet KS 874/2004 (GS 1058/2002), health (and infant foods (KS 877/1997, 696/1995 and 878/1997) and artificial sweeteners KS 1176/1999 (GS 995/1998) must be pre-registered with the Nutrition Unit of the Ministry of Public Health. Labels for these products must contain detailed information about ingredients (e.g., vitamins, minerals, supplements, food colors, preservatives, etc.), nutritive value per 100 grams, health warnings if any, and instructions for proper use and storage. The U.S. nutritional panel is permitted.

Products shipped in bulk or institutional-sized containers must comply with all label requirements, as required by GSO standards for labeling and shelf life. Also, newly adopted standard clearly indentify products that are exempt from carrying dates of production and expiry such as fresh fruits and expiry as well products that are exempt from carrying expiry dates, such as spices and salt.

Copies of Shelf life and Labeling Standards for food products are available from the ATO office upon request at atodubai@usda.gov.

Section III. Packaging and Container Regulations:

General requirements for packaged special foods are covered under KS 859/1997 (GS 654/1996), KS 1034/1998 (GS 839/97), KS 170/1984 and KS 1028 (GS 1024/2000). Boxing for fresh fruits and vegetables is regulated under KS 65/1992 (GS 124/1990).

Section IV. Food Additives Regulations:

In general, local regulations governing the use of food additives are based on Codex Alimentarius standards. According to trade contacts, rarely is a U.S. food product rejected by Kuwaiti officials due to the unauthorized use of an additive.

Color additives are regulated under KS 214/1999 (GS 23/1998). Under this standard, the common name and index number of all food color additives contained in a product must be noted on the product label. European "E" numbers are permitted.

Other food additives such as preservatives, flavorings, antioxidants, emulsifiers and others are regulated under KS 147/1994, which is identical to the Codex Alimentarius standard. Sweeteners allowed for use in food products are listed in KS 1176/1999 (GS 995/1198).

Section V. Pesticides and Other Contaminants:

Local regulations governing pesticide and other contaminant residue levels are based on Codex Alimentarius standards. Specifically, KS 514/1994 regulates pesticide and other contaminant residues in food products. MRL-s for pesticides in agricultural and food products are determined in KS Part I 720/1995 (GS 382/1994) and Part II which is KS 721/1995 (GS 383/94).

Section VI. Other Regulations and Requirements:

All food products must be accompanied by a health certificate issued by the appropriate government agency in the country of origin, attesting to the product's fitness for human consumption. Meat and poultry products must be Halal slaughtered. Halal slaughter certificates accompanying meat and poultry shipments are required to be notarized by the Kuwaiti Embassy in the country of origin. If not available, notarization from any of GCC or other Arab countries will suffice. A shipment will be rejected if salmonella is detected in more than 20 percent of the tested samples.

The importation of alcoholic beverages and pork, and food products containing alcohol or pork, is prohibited. In addition, it is prohibited to import a product with a label containing a picture of alcohol or pork, or a recipe requiring these products even though the imported product is free of these ingredients. Since late 2000, the importing of non-alcoholic beer has been permitted provided that the alcohol level does not exceed 0.05 percent.

The importation of irradiated food products is permitted, but the product's label must clearly indicate that the product has been irradiated. KS 1171/1999 (GS 988/1998), determines the maximum irradiation levels permitted in different food products.

Local food safety inspectors randomly check food products already in the market. In addition to visually inspecting labels, samples are taken and analyzed to ensure that product ingredients match those listed on the label. These inspections are conducted without the knowledge of the importer. If a discrepancy is found, the importer is informed and the product removed from the market and destroyed at the importer's expense. If the infraction is severe (e.g. traces of pork are found) or an importer has been found to have intentionally altered or falsified a product's label, the product may be banned from import for a specified period of time, usually six to twelve months.

Section VII. Other Specific Standards:

No special requirements exist regulating the import of food samples. Samples destined for food shows and other types of promotional events are exempt from local label and shelf-life regulations. However, a health certificate and an invoice noting that the product is not for sale and is of no commercial value must still accompany such shipments.

Section VIII. Copyright and/or Trademark Laws:

The first Kuwaiti copyright law was passed in 1999, and Kuwait has been a member of the World Intellectual Property Organization (WIPO) since 1998. Copyright holders are also permitted to collect civil damages from violators.

Kuwait's new patent and trademark legislation took effect on January 14, 2001, making Kuwait compliant with the WTO agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Brand registration is recommended to protect both the importer and foreign supplier against parallel imports and copycat labels. The trademarks section of the Ministry of Commerce and Industry (MOCI) is responsible for product registration, which usually can be completed within a short period of time.

Commercial Law 36/1964 and Commercial Law 68/1980 regulate agency agreements.

Section IX. Import Procedures:

Shuwaikh ports in Kuwait City and Shuaiba port, about 25 miles south of the city, are the primary ports for the importation of food products. Both ports have state-of-the-art equipment. Many fresh and chilled products are imported via Kuwait International Airport, located a short distance from Kuwait City. Fresh produce originating from nearby Middle Eastern countries is imported in refrigerated trucks via land entry points on the Saudi Arabian border.

While it can require as little as 2-3 days to clear a consignment through customs, health clearance can take 7-10 days, due to laboratory testing and for some products it may take two to four weeks. Kuwait employs a rigorous sampling regime that requires frequent testing and a "test and hold" clearance procedure pending the results of tests. Fresh products, however, are usually cleared within 24 hours of arrival. Once customs clearance is obtained, an importer may elect to store a consignment under bond, pending health clearance.

The following documents are required for food imports:

- Commercial invoice
- Packing list
- Bill of Lading
- Health certificate
- Halal slaughter certificate (for meat and meat products) /1

- Certificate of Origin

1/ Halal slaughter certificates accompanying meat and poultry shipments are required to be notarized by the Kuwaiti Embassy in the country of origin. If not available, notarization from any of GCC or other Arab countries will suffice. A shipment will be rejected if salmonella is detected in more than 20 percent of the tested samples.

Only Halal slaughter certificates are required to be legalized by the Kuwaiti Embassy. ATO Dubai understands that the Embassy may seek a prior legalization by the Arab American Chamber of Commerce; however, food control officials in Kuwait do not require this additional legalization. ATO Dubai understands that some importers may seek to have additional documents legalized as legalization is perceived as a means of reducing possible issues at the time of clearance. Any decision to legalize documents beyond the minimum requirements of food authorities in Kuwait is a commercial decision between exporter and importer.

A consignment rejected because it is unfit for human consumption must be re-exported (but not to another GCC country), or destroyed by local authorities, normally within six months of arrival.

As noted earlier, an importer may appeal the rejection of a shipment to a special committee comprised of representatives from various government ministries. If after additional testing, the consignment is again rejected, the appeal is closed. If, however, the consignment is determined fit for human consumption, a third round of tests will be conducted to verify these results. If the results are unchanged, the shipment is released. If the results are negative, the shipment is rejected and the appeal closed. An importer may store a consignment in his warehouse under bond, pending the outcome of an appeal.

Live animals and plants, feedstuffs and horticultural products such as seeds for planting are inspected at the port of entry by the PAAFR, which decides if quarantine is warranted. Feedstuff samples are routinely analyzed at a specialized PAAFR laboratory.

Appendix I. Government Regulatory Agency Contacts:

Name/Address -----	Field of Specialty -----
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(1) GOVERNMENT

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Assistant Under Secretary and Deputy
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& Industrial Services Affairs
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All standards,
including food

Dr. Siham Al-Mufti

Director of Public Health Laboratories
Ministry of Public Health

Analysis of imported food
products

P.O. Box 35699 Shaab
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Tel: (965) 2265-3631; Fax: (965) 2265-3483
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Livestock and pet import
Deputy Director General for regulations
Animal Resources
Public Authority for Agriculture
Affairs and Fish Resources
P.O. Box 21422 Safat
13075 Kuwait
Tel: (965) 2225-3999; Fax: (965) 2225-3933

Trade data

Central Statistics Office
Ministry of Planning
P.O. Box 26188
Safat 13122 Kuwait
Tel: (965) 2243-0414; Fax: (965) 2242-7562

Mr. Mohammed G. Al Otaibi, Head of food safety committee
Deputy Director General for Municipal Services
Affairs
Kuwait Municipality
P.O. Box 15
Safat 13001 Kuwait
Tel: (965) 2264-5652; Fax: (965) 2264-5657

Mr. Khalid H. Al-Zahmoul Food import regulations
and inspection
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P.O. Box 10
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Appendix II. Other Import Specialist Contacts:

(2) NON-GOVERNMENT

Mr. Ahmad Rashed Al-Haroun Commercial regulations and
Director General trade data
Kuwait Chamber of Commerce and Industry
P.O. Box 775 Safat
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Commercial regulations and
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